

# State of Colorado

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**Bill Owens**  
*Governor*

**John Zakhem**  
*Board Chair*

**Kristin F. Rozansky**  
*Board Director*



**State Personnel Board**  
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## Meeting Minutes April 18, 2006

The State Personnel Board met in public session on Tuesday, April 18, 2006, at the Colorado State Personnel Board, 633 17th Street, Suite 1400, Courtroom 1, Denver, Colorado 80202-3604.

The meeting was called to order at approximately 9:09 a.m. Board Members Diedra Garcia and John Zakhem were present in person. Board Member Elizabeth Salkind was present via teleconferencing. Board Members Troy Eid and Don Mares were absent.

Kristin F. Rozansky, Board Director; Assistant Attorney General Pam Sanchez, Board Counsel; and Jane Sprague, General Professional III, were present in person.

### **I. REQUESTS FOR RESIDENCY WAIVERS**

#### **A. April 1, 2006 Report on Residency Waivers**

Director Rozansky reported that there were no residency waiver requests this month.

### **II. PENDING MATTERS**

There were no pending matters before the Board this month.

### **III. REVIEW OF INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR ON APPEAL TO THE STATE PERSONNEL BOARD**

There were no Initial Decisions or other Final Orders of the Administrative Law Judges or the Director on appeal before the Board this month.

### **IV. REVIEW OF PRELIMINARY RECOMMENDATIONS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR TO GRANT OR DENY PETITIONS FOR HEARING**

- A. Olukemi Olawore v. Department of Human Services, Colorado State Veterans Home at Fitzsimons, State Personnel Board case number 2006G049.

Ms. Garcia moved to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing. Mr. Zakhem seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Garcia, Ms. Salkind, and Mr. Zakhem.

- B. Dava Portales v. Department of Labor and Employment, Unemployment Insurance Section, State Personnel Board case number 2006G045.

Mr. Zakhem moved to adopt, in part, the Preliminary Recommendation of the Administrative Law Judge, granting the Complainant a hearing on the basis that it appears the appointing authority violated Complainant's rights under § 24-34-401, *et seq.*, C.R.S. Mr. Zakhem's motion also declined to adopt the other grounds upon which to grant the hearing, articulated in the Preliminary Recommendation of the Administrative Law Judge, as they are outside the scope of the controlling statute, § 24-50-123(3), C.R.S., for granting a hearing. Finally, the motion noted that this does not limit the scope of the issues that may be presented at hearing. Ms. Garcia seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Garcia, Ms. Salkind, and Mr. Zakhem.

## **V. INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR**

- A. John K. Williams v. Regents of the University of Colorado, University of Colorado System Office, Procurement Service Center, State Personnel Board case number 2005B081 (March 15, 2006).
- B. Kenneth W. Robinson v. Department of Human Services, Colorado Mental Health Institute at Pueblo, State Personnel Board case number 2006B007 (March 21, 2006).
- C. Frank Sarek v. Department of Corrections, State Personnel Board case number 2006B040 (April 3, 2006).

## **VI. REVIEW OF THE MINUTES FROM THE MARCH 21, 2006 PUBLIC MEETING OF THE STATE PERSONNEL BOARD**

Consideration of the Minutes from the March 21, 2006 Public Meeting of the State Personnel Board was tabled until the May 16, 2006 Public Meeting, as the Board lacked a quorum (Ms. Garcia was not present at the March 21, 2006 meeting).

## VII. ACKNOWLEDGMENTS

### DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS MARCH 21, 2006 PUBLIC MEETING:

- A. Jeckonias N. Muragara v. Department of Revenue, Division of Motor Vehicles, Driver Control Section, State Personnel Board case number 2006B001.

The Board voted to adopt the Dismissal Order.

- B. Scott Horak v. Department of Natural Resources, Division of Wildlife, State Personnel Board case number 2005G090.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing.

- C. Arthur Robinson v. Regents of the University of Colorado, University of Colorado at Denver & Health Science Center, College of Architecture and Planning, State Personnel Board case number 2005G008.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing.

- D. Donna Joseph v. Department of Human Services, Division of Disability Determination Services, State Personnel Board case number 2005G093.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing on grounds that Complainant did not establish that the appointing authority acted arbitrarily or capriciously or that there was a hostile work environment. In addition, Complainant's claim of discrimination was beyond the scope of her grievance and may not be considered.

- E. Susan Nickolette v. Department of Corrections, State Personnel Board case number 2005G097.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing.

- F. Beverly Linden-Lowell v. Department of Transportation, State Personnel Board case number 2005G115.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing.

- G. Eric Brunner v. Department of Corrections, State Personnel Board case number 2006G044.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and grant the petition for hearing.

## **VIII. REPORT OF THE STATE PERSONNEL DIRECTOR**

### **IX. ADMINISTRATIVE MATTERS & COMMENTS**

#### **A. ADMINISTRATIVE MATTERS**

- Budget Report and Revenue and Expense Report
- Cases on Appeal to the Board and to Appellate Courts
- Web Site Statistics: January 2006 - 36,484; February 2006 - 47,797
- DOC Audit Report

#### **B. OTHER BOARD BUSINESS**

- Staff Activities
  - Office construction - Director Rozansky reported that in the current office space, there are two Administrative Law Judges (ALJ) in offices, and one ALJ and one Legal Assistant in cubicles, all of whom conduct settlement negotiations and have a need for confidentiality and privacy. At the Office of Administrative Courts, Department of Personnel and Administration (DPA), all ALJs and Legal Assistants have offices; in addition, the six conference rooms on the 13th floor are controlled by the Department of Labor and Employment. Her intention is to build out the cubicles into offices, including offices for the ALJ and Legal Assistant, a conference room, and an open work area. Director Rozansky began this project by contacting Kruz Watkins, Executive Director Jeff Wells' Executive Assistant. Mr. Watkins has contacted the Building Engineer and Architects who have prepared rough construction drawings and are now working on a cost estimate for the project. She also consulted with Jennifer Okes, the Chief Financial Officer, regarding budgeting for the project. The total cost of the construction could be staggered between fiscal years. The proposal would, if approved by the Board and staff, need to proceed through normal approval procedures, including a review by Jeff Wells.

On other matters, Director Rozansky reported that a draft of the Department of Corrections Audit Report by the Division of Human

Resources, DPA, was sent out but recalled due to revisions being made to the document. The report has not been finalized.

Director Rozansky also reported that the Board Election voting program is being revised, with an announcement to be made via the May payroll backer and a blast email list. The election is to take place between June 1 and June 15.

The new rules effective June 1, 2006, were filed electronically for the first time on April 7, 2006, with the Secretary of State's office. Hard copies were also filed with the Secretary of State and the Office of Legislative Legal Services as a backup due to the recent changeover to electronic filing.

C. GENERAL COMMENTS FROM ATTORNEYS, EMPLOYEE ORGANIZATIONS, PERSONNEL ADMINISTRATORS, AND THE PUBLIC

**X. PROPOSED LEGISLATION AND/OR RULEMAKING**

There was no legislation and/or rulemaking discussed at this meeting.

**XI. EXECUTIVE SESSION**

- A. Case Status Report
- B. Minutes of the March 21, 2006 Executive Session
- C. Other Business

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**APPROVED THIS 16th DAY OF MAY, 2006.**

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John Zakhem, Chair

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Diedra Garcia Member

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Elizabeth Salkind, Member